

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA, :  
:   
Plaintiff, :  
:   
vs. : Case No. CV2-10-032  
: JUDGE MARBLEY  
EIGHT THOUSAND FIVE HUNDRED :  
AND 00/100 DOLLARS (\$8,500.00) :  
IN UNITED STATES CURRENCY, :  
:   
Defendant. :  
:

**ORDER**

This matter is before the Court on Plaintiff's Motion to Strike the Verifiable Statement of Interest (Claim) filed by Scott Heffner pursuant to Rule G(8)(c) (Dkt. 10). Scott Heffner filed his claim on March 1, 2010, asserting an interest in the Defendant Currency as property he lawfully earned (Dkt. 7). Under Fed. R. Civ. P. Supp. R. G(5), a person asserting an interest in the defendant property must not only file a claim, but "must serve and file an answer to the complaint...within 21 days after filing the claim." *Id.* at G(5)(b). Mr. Heffner has failed to file an answer, despite notice from the Plaintiff that an answer was required, and two extensions on the 21 day filing requirement. (Pl. Ex. A). Under Sixth Circuit law, Rule 8(G) requires strict compliance. *United States v. \$5,730.00 in United States Currency*, 109 Fed. Appx. 712, 713 (6<sup>th</sup> Cir. 2004). Accordingly, pursuant to Fed. R. Civ. P. Supp. R. G(8)(c), the Plaintiff's Motion to Strike is **GRANTED**.

**IT IS SO ORDERED.**

s/Algenon L. Marbley  
**ALGENON L. MARBLEY**  
**United States District Judge**

**DATED: May 25, 2010**